

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Jerald Boitnott,

Court File No. _____

Plaintiff,

v.

NOTICE OF REMOVAL

Wendy's International, LLC d/b/a Wendy's
and Nearco IV, LLC,

Defendants.

TO: Plaintiff above-named and his attorneys, Chad A. Thronset and Patrick W. Michenfelder, Thronset Michenfelder, LLC, Cornerstone Building, One Central Avenue West, Suite 203, St. Michael, Minnesota 55376.

PLEASE TAKE NOTICE that pursuant to 28 U.S.C. §§ 1441(a) and 1446, Defendant Nearco IV, LLC ("Defendant"), by its undersigned attorneys, hereby files this Notice of Removal of the above-captioned case from the District Court of the State of Minnesota in and for the County of Hennepin, where it currently is pending, to the United States District Court for the District of Minnesota. The grounds for removal are:

1. Plaintiff Jerald Boitnott ("Plaintiff") has commenced a civil action in the District Court of Hennepin County, Minnesota ("the State Court Action").
2. A true and correct copy of Plaintiff's Summons and Complaint is attached as **Exhibit 1** to this Notice of Removal. Defendant has received no other process, order, or pleadings.
3. To Defendant's knowledge, no proceedings have occurred in the State Court Action.

4. Removal to this Court is proper under 28 U.S.C. §§ 1441(a) and 1446. Plaintiff has alleged violations of 42 U.S.C. §§ 12181 *et seq.*, the Americans with Disabilities Act, in the State Court Action, and thus this is a civil action under the laws of the United States, of which the Courts of the United States have original jurisdiction within the meaning of 28 U.S.C. § 1331.

5. Venue lies in the Fourth Division of the United States District Court of the District of Minnesota under 28 U.S.C. § 1441(a) because the Fourth Division of this District includes Hennepin County, Minnesota.

6. Thirty (30) days have not expired from the date Defendant received notice of the State Court Action.

7. Defendant is filing this Notice of Removal with the Court Administrator of the Hennepin County District Court and serving a copy upon Plaintiff, as required by 28 U.S.C. § 1446(d).

WHEREFORE, Defendant requests that the State Court Action be removed from the Hennepin County District Court to this Court.

MONROE MOXNESS BERG PA

Dated: July 31, 2018

By: /s/ Ansis V. Viksnins
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**ATTORNEYS FOR DEFENDANT
NEARCO IV, LLC**